

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

MAW Communications, Inc.,

Complainant,

v.

PPL Electric Utilities Corporation,

Defendant.

Proceeding Number 19-29
Bureau ID Number EB-19-MD-001

**COMPLAINANT’S RESPONSES TO
DEFENDANT’S FIRST SET OF INTERROGATORIES**

Complainant MAW Communications, Inc. (“MAW”), pursuant to the Notice of Formal Complaint issued February 14, 2019 by the Commission’s Enforcement Bureau in this proceeding and pursuant to Section 1.730 of the Commission’s Rules, submits the following responses to PPL Electric Utilities Corporation’s (“PPL”) First Set of Interrogatories.

INTERROGATORIES

INTERROGATORY NO. 1: Identify the date on which MAW first became aware that the requisite funding was not available to upgrade the Lancaster camera network so that it could operate on MAW’s newly installed ADSS fiber system.

RESPONSE: As a point of clarification, the network MAW rebuilt for the Lancaster Community Safety Coalition (LCSC) and the City of Lancaster is not an “ADSS fiber system,” but is comprised of backbone fiber lashed to a .25” messenger as well as *service drops* to customers, which originate from MAW’s backbone network and consist of ADSS fiber. Subject to and without waiving its objections, MAW responds as follows:

MAW learned of the City of Lancaster's and LCSC funding issues related to migrating the existing City traffic sensor network and the LCSC's camera network in February 2016.

INTERROGATORY NO. 2: At Paragraph 21 of the Complaint, MAW states: "The physical characteristics of the ADSS portion of MAW's network allows MAW's fiber to be placed closer to electric facilities than can conductive telecommunications cables." Please identify the MAW contractors used to place MAW's fiber on PPL's poles closer to electric facilities than conductive telecommunications could be placed. Please also explain how MAW believes these contractors are qualified to make such fiber attachments closer to electric facilities.

RESPONSE: Subject to and without waiving its objections, MAW responds as follows:

The following contractors worked for MAW under the supervision of MAW's former employee, Mr. Joseph Staboleski, at the time MAW was rebuilding the City's and LCSC's networks using the J and raise method prescribed by the parties' Pole Attachment Agreement and installing ADSS service drops on PPL poles:

Bower Cabling Services, Inc.

East Coast Splicing Services, Inc.

Precision Fiber Splicing, LLC

Rhino Cabling Services, Inc.

The quoted statement includes no expression of belief related to the qualifications of such contractors ~~and so no further response is required.~~ Without waiving its objections, MAW agrees that certain work on utility poles should be performed by persons qualified to work in the electric supply space. MAW is committed to using PPL approved contractors going forward.

INTERROGATORY NO. 3: Other than Mr. Eron Lloyd's guilty plea in Federal Court to conspiracy to commit bribery, identify every guilty plea by MAW or any of its officers and employees to a felony, or conviction of MAW or any of its officers and employees of a felony.

RESPONSE: Subject to and without waiving its objections, MAW responds as follows:

There are none. None to report.

INTERROGATORY NO. 4: Identify any and all instances in which a utility pole owner has accused MAW of making unauthorized attachments.

RESPONSE: Subject to and without waiving its objections, MAW responds as follows:

MAW is attached to over 1,000 First Energy –Met-ED poles (FE), with which MAW has had an attachment agreement since 2000. MAW has an excellent working relationship with FE. Unlike PPL, FE does not limit attachments below the ILEC and FE has a reasonable and fair attachment application process. Consequently, MAW and FE have worked together to resolve problems when they occur. Last year, FE notified MAW of 28 potentially unauthorized attachments to transmission poles. MAW notified FE that MAW had already made FE aware of these attachments. FE and MAW met with their respective engineering teams and produced a solution that resolves the aforementioned attachment issues and those of other attachers as well; such solution is currently being implemented. FE recognizes that mistakes occur by both the attacher and the pole owner and that MAW has demonstrated its ability to work with pole owners to implement amicable solutions. Aside from PPL, this is the only instance in which a utility pole owner has notified MAW of alleged unauthorized attachments.

INTERROGATORY NO. 5: Identify any and all claims filed in a court of law against MAW alleging breach of contract, other than PPL's breach of contract case litigated in the Court of Common Pleas of Lehigh County, Pennsylvania.

RESPONSE: Subject to and without waiving its objections, MAW responds as follows:

MAW restates its objections to this Interrogatory filed on March 20, 2019, including that the information sought is not relevant to the material facts in dispute in the pending proceeding, *see* 47 C.F.R. § 1.730, and that such information is publicly available and readily ascertainable.

INTERROGATORY NO. 6: Identify any and all claims filed in a court of law against MAW pertaining to MAW's attachments to utility poles, other than PPL's claims filed against MAW in the Court of Common Pleas of Lehigh County, Pennsylvania.

RESPONSE: Subject to and without waiving its objections, MAW responds as follows:

There are none. ~~None to report.~~

INTERROGATORY NO. 7: Explain the efforts undertaken by MAW between September 1, 2015 to February 1, 2016 to identify the person at PPL who replaced Mr. William Klokis.

RESPONSE: Subject to and without waiving its objections, MAW responds as follows:

After trying to reach Mr. Klokis via phone and finding his number had been disconnected, and receiving an automatic response that the email account was closed, MAW searched PPL's website for another contact and only found a "contact us" at a URL similar to this one: <https://www.pplelectric.com/utility/about-us/for-contractors-and-builders/pole-attachment-services/pole-attachments-contact-us.aspx>. MAW was under the impression that there was a generic email address contact rather than a submission form like it is today. In January 2016, at Mr. Wiczkowski's direction, Mr.

Staboleski drafted a cover letter that was intended to be sent to the generic email address to inform PPL of its rebuild project. Mr. Wiczkowski also instructed Mr. Staboleski to send the letter to PPL and he may well have done so using PPL's pole attachment webpage instructions, but MAW cannot confirm whether it was sent or uploaded.

INTERROGATORY NO. 8: Identify (by pole number and pole position) any and all PPL poles MAW has accessed, worked on, or connected to between April 13, 2018 to the present.

RESPONSE: Subject to and without waiving its objections, MAW responds as follows:

Since April 13, 2018, MAW asked PPL's permission to access to MAW's facilities attachment to PPL poles to restore service to its customers that were without service due to no fault of MAW on six occasions. PPL either denied or ignored four out of MAW's six requests over the last year. PPL permitted MAW access to two PPL poles, Grid #40670S26002 and #40664S25996, to restore a service outage to a LanCity Connect customer. Apart from these two instances, MAW has not accessed, worked on or connected to any other PPL poles since April 13, 2018 in compliance with the Lehigh County Court's order.

Respectfully submitted,

MAW Communications, Inc.



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Dated: April 29, 2019

CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2019, I caused a copy of MAW Communications, Inc.'s Responses to Defendant's First Set of Interrogatories to be served on the following (service method indicated below):

Marlene J. Dortch, Secretary
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